

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO**  
**PROCEDURES MANUAL**

**TOPIC: Registration of Out-of-State Protective Orders  
& Tribal Court Protective Orders (DV-600)**

**GENERAL BACKGROUND INFORMATION:** Victims of domestic violence move from state to state for safety reasons. Historically, every move required an application for a new protective order, which was too burdensome and dangerous. As a result, Congress included a full faith and credit provision in the Violence Against Women Act (VAWA) [18 USC § 2265].

A valid protection order issued by a state or tribal court shall be given full faith and credit by another state or tribal court and enforced as if it were the order of the enforcing state or tribe. (18 USC § 2265(a)) Full faith and credit is to be given to all civil protective orders, criminal protective orders, tribal protective orders, and military protective orders that qualify under the federal Violence Against Women Act (VAWA) [18 USC § 2265; see also California Family code § 6402] The judge will make the decision if the order is entitled to full faith and credit.

Do not let the title or reference to “out-of-state Orders” confuse you. Orders issued by a California Tribal Court may be entitled to full faith and credit.

**PROCEDURE:**

Registration of protective orders with the Superior Court is a priority and shall be handled as if a new request for domestic violence restraining order is being submitted to the court. Registration of a tribal court order will allow entry into CARPOS (California Restraining and Protective Order System) and enable law enforcement to enforce these orders, except where limited by the provisions of Public Law § 280.

Protected Persons may file a DV-600 with the Court, or Bishop Paiute Tribal Court representatives may assist those Protected Persons to register a Protective Order made by the tribal court.

1. When filed, a copy of the Tribal Court Protective Order must be attached to the signed DV-600 form. Clerk shall review documents and perform a JALAN search for related cases:
  - a. Perform a Master Person search for related cases under the names of the Protected and Restrained Persons
  - b. See Master Person Search Procedure of details
    - a. Use JALAN 13, 16, 17
2. Is there an existing Inyo Superior Court case involving the registration of a Tribal Court Order involving the same parties?

- a. If so:,
  1. **Do not create a new case**
  2. Pull existing case file and give application to the Judge with existing case file.
  3. Tickle for review in one day to be sure application is received back from Judge.
  4. Act on Judge's response
    - a. May direct to open a new case
    - b. May issue a modification in existing case
3. Be sure the DV-600 includes a complete description of the Restrained Person/Persons in #2.
4. Is the expiration date of the protective order documented within the body of the order, not just in the caption?
5. Clerk shall open a civil case (one for each Restrained Person) using:
  - a. Appropriate case type: **SICVDV**
  - b. Initiate petition with **IDV** code (Initiate Domestic Violence)
  - c. Event Code **TC#** (Tribal Court Number)
  - d. Docket entry Tribal Court #
6. Perform a JALAN search for **related cases**
  - a. Pull related cases. If case file is not present, run docket on all cases and provide to the Judge with proposed order
  - b. Provide to the Judge-so he may review for conflicting orders in civil, criminal and sequestered cases
  - c. Submit to Judge as a priority for review & signature
7. After DV-600 order is signed by Judge, Court Clerk will:
  - a. Enter Event Code **600** *Register Out of State Restraining Order*
    1. Include expiration date in docket entry
  - b. If Temporary Restraining Order enter Event Code **TC~**
  - c. If Restraining Order After Hearing enter Event Code **TC!**
  - d. If there are cases in which this order should be cross referenced, enter **XRC** and list the related cases in the docket
    - a. If cross referenced cases are identified go into those cases and enter **XRC** and enter related cases and the **Out of State Restraining Order**
      1. Check with the Judge to verify which cases he would like this information entered in; i.e. Paternity, Family Law, Criminal, Guardianship or TROs.
8. Make certified copies of the DV-600 form and attach to copies of the Tribal Court Protective Order for Protected Person.

NOTE: To maintain privacy of Protected Person's whereabouts, Federal Law (18 USC § 2265(d)) provides that the Protected Party is not required to notify the Restrained Party that a protective order has been registered with this court. Further the court may not notify the Restrained Party of the existence of the order or the fact that it has been registered with this court unless requested by the Protected Party. While the Protected Person may not be required to have the Restrained Party served, local Law Enforcement might not enforce the order without proof of service of the State Registered Order having been entered into CLETS/DVROS.

- a. Service upon Restrained Person/s (if Protected Person desires)
  - b. Protected Person/s (including children or other named persons)
  - c. Protected Children's school and/or daycare provider
  - d. Law Enforcement Agencies with jurisdiction
    - a. Inyo County Sheriff, Bishop Police Department, Tribal Police, Inyo County Sheriff/Dispatcher
  - e. Tribal Court case file
9. All copies to be given back to Tribal Court Representatives or Protected Person for service upon the Restrained Person/persons (if the Protected Person chooses to serve the Restrained Person/s) and distribution to other parties
  10. Fax copy of DV-600 and Tribal Court Protective order to Sheriff/Dispatch
  11. File original DV 600 with a copy of the Tribal Court order attached in the Superior Court file.
  12. Enter Event Code **601** *Tribal Court Order Closing*
  13. Personal Proof of Service form may be filed with Superior Court following service of Restraining Order and other related case documents
    - a. DV-200 Proof of Service - In Person - Domestic Violence
    - b. Or other approved signed proof of service form
  14. When Proof of Service is received, fax to Dispatch
    - a. The proof of personal service will then be entered by Dispatch into the CARPOS system (CLETS)
  15. These files (letter size folders) will be stored in the Bishop branch in the cabinet with the Domestic Violence instructions.